SELECTMEN'S MEETING MINUTES January 15, 2013

Members Present: James DeVellis, Chairman

Mark Sullivan, Vice Chairman

Lorraine Brue, Clerk

Lynda Walsh Ginny Coppola

Others Present: Town Manager Kevin Paicos

Dan Murphy and Jim Cobrey of the Kraft Organization/NPS LLC Walpole Selectmen Christopher Timson and Nancy Mackenzie

Walpole Town Manager Michael Boynton

DPW Director Roger Hill

Shawn Koorn of HDR Engineering

The meeting was brought to order at 7:10 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

Chairman's Update

Mr. DeVellis had a prepared statement in regards to discussions with the Kraft Organization and past and future negotiations that he read into the record. A copy of this statement is attached.

Continued Public Hearing - Kenny Chesney Concerts at Gillette Stadium

Dan Murphy and Jim Cobrey of the Kraft Organization/NPS LLC were present.

Mr. Murphy explained that this concert will be held on August 23rd and August 24th. It will be a four act show each day; this is down from five last year. They have also changed the start time to 5:30 p.m. instead of 5:00 p.m. and will open the gates at 4:30 p.m. instead of 3:30 p.m. The maximum amount of tickets will be 50,000 down from 55,000. All previous Rules and Regulations will remain.

Walpole Selectmen Christopher Timson and Nancy Mackenzie as well as Walpole Town Manager Michael Boynton had comments in regards to Walpole's Public Safety concerns. Mr. Timson read a prepared statement into the record, a copy of which is attached. They are not against events at the stadium but would like the parking lots opened earlier to help alleviate traffic that backs up into Walpole as vehicles clog up the side roads and Route 1. Mr. Murphy stated that the Foxboro Police Chief does have the discretion to open the lots earlier if he feels it is necessary. Both the town and state police monitor the traffic.

Chief O'Leary stated that the traffic plan is a work in progress and it will be monitored, especially on Saturday, and appropriate actions will be taken.

Ms. Mackenzie wanted to know if port-a-pottys could be set up at businesses on the highway for people stuck in traffic to use. Chief O'Leary stated that there will be a Comfort Station near Snow Supply on Route 140.

Ms. Brue asked if another Comfort Station could be at Cumberland Farms. This item was not discussed by the Stadium Advisory Committee.

Mr. Murphy stated that they have message board to communicate to the patrons in the traffic and will also have a meeting with the lot owners to let them know that the lots can be opened whenever the Police Chief deems it necessary. It is standard practice for them to work with Walpole Public Safety and they have always worked with them in the past.

Mr. Sullivan asked if they could fine the patrons for coming to early to discourage tailgating. Mr. Murphy said they tried that in the past, people still came early and just paid the fine, which was donated to charity.

Mike Ashford of the Stadium Advisory Committee stated that traffic will continue to be a problem as long as there are only two lanes in each direction on Route 1.

The Foxboro Police and Fire Chief's will take into consideration Walpole's requests while developing their traffic plans.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the application to hold a Kenny Chesney concert at Gillette Stadium on August 23, 2013 and August 24, 2013 with the standard conditions as well as conditions from the Board of Health, Police Department and Fire Department contingent upon hearing a traffic update thirty days before the concert date and subject to the following additional conditions: 1. The applicant shall within thirty days from the date of this approval, execute and provide to the Town of Foxborough an Indemnification Agreement in a form and substance satisfactory to and approved by this Board; 2. That the applicant shall, within thirty days from the date of this approval, obtain and place liability insurance for said event insuring both the applicant and the town of Foxborough in a form and substance satisfactory to and approved by this Board and 3. That the physical license for said event shall be retained by the board or its representative and held in escrow pending the Applicant's compliance with conditions 1 and 2 was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Public Hearing - Bon Jovi Concert at Gillette Stadium

Ms. Brue read the Public Hearing notice

A motion to continue this hearing to later this evening was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Continued Public Hearing – Taylor Swift Concerts at Gillette Stadium

Dan Murphy and Jim Cobrey of the Kraft Organization/NPS LLC were again present.

Mr. Murphy stated that this will be a two day concert on July 26th and July 27th. The gates will be opened at 4:30 p.m. for a 6:00 p.m. start. This is primarily a young female audience so a pick up/drop off area will be designated.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to approve the application for the Taylor Swift Concerts at Gillette Stadium on July 26, 2013 and July 27, 2013 subject to the condition from the Stadium Advisory Committee, Board of Health, Fire and Police Departments and subject to the following additional conditions: 1. The applicant shall within thirty days from the date of this approval, execute and provide to the Town of Foxborough an Indemnification Agreement in a form and substance satisfactory to and approved by this Board; 2. That the applicant shall, within thirty days from the date of this approval, obtain and place liability insurance for said event insuring both the applicant and the town of Foxborough in a form and substance satisfactory to and approved by this Board and 3. That the physical license for said event shall be retained by the board or its representative and held in escrow pending the Applicant's compliance with conditions 1 and 2 above was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Continued Public Hearing - Bon Jovi Concert at Gillette Stadium

A motion to reopen the Public Hearing was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Dan Murphy and Jim Cobrey of the Kraft Organization/NPS LLC were again present.

Mr. Murphy explained that this concert will be held on July 20, 2013. The opening act has not been named yet. The gates will open at 6:00 p.m. with the show starting at 7: 30 p.m. with an 11:15 p.m. curfew.

Mr. Paicos submitted Chief O'Leary's comments which just came in recently.

Chief Hatfield is working with stadium personnel on the change of location for the Treatment Room.

A motion to close the Public Hearing was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to approve the application for a Bon Jovi concert at Gillette Stadium on July 20, 2013 subject to all conditions of the Stadium Advisory Committee, Board of Health, Police and Fire Departments as well as the following additional conditions: 1. The applicant shall within thirty days from the date of this approval, execute and provide to the Town of Foxborough an Indemnification Agreement in a form and substance

satisfactory to and approved by this Board; 2. That the applicant shall, within thirty days from the date of this approval, obtain and place liability insurance for said event insuring both the applicant and the town of Foxborough in a form and substance satisfactory to and approved by this Board and 3. That the physical license for said event shall be retained by the board or its representative and held in escrow pending the Applicant's compliance with conditions 1 and 2 above was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Review of Regional Sewer Agreement Finance Plan

Kevin Paicos informed the Board that at the recent IMA meeting the Board of Water and Sewer Commissioners discovered that Mansfield and Norton will not be taking any action on the Intermunicipal Sewer Agreement before their Annual Town Meetings in the spring. This makes the Special Town Meeting that was scheduled for March 4th unnecessary as the vote can be taken at Foxboro's Annual Town Meeting in May. The vote to cancel the meeting will need to be put on a future agenda. The additional items that were on the March 4th agenda can all be postponed until May also.

The Board met with DPW Director Roger Hill and consultant Shawn Koorn of HDR Engineering who has a presentation of a sewer rate utility analysis for the Board. Mr. Hill stated that this model was created using conservative estimates but is a dynamic model whose variables can be changed. This proposal does not require anyone in town to tie into the system.

Mr. Koorn reviewed and explained his presentation. Mr. Scollins stated that he was able to review the presentation earlier today and endorses it as a doable plan as it is very conservative in its estimates. Chairman of the BWSC William Euerle stated that their board is just seeing this presentation for the first time but will be vetting the information at future meetings.

Ms. Brue wanted to know if known Capital needs are included. This analysis does not include any expansions, but does include maintenance of the existing system. This analysis does include additional revenue for the sale of the new capacity once the new plant comes online.

The department anticipates purchasing 175,000 gallons of flow as phase 1. An additional amount of 100,000 gallons will be purchased sometime in the future as phase 2. The new agreement will allow the department to use actual flow amounts instead of Title 5 required amounts. This means that the department will be able to capture and resell capacity that is not being used under Title 5.

Ms. Coppolla asked if the flow will only be used for Foxboro. Mr. Hill stated that the Summerfield/Skanco development in Sharon (and Foxboro Cannon Forge) has an existing sewer contract so some of the flow will be going there.

Mr. Paicos stated that Foxboro needs and economic development will be the first priorities for getting flow; any additional flow after those needs are met the department

will hopefully be able to sell. In the past the BWSC have not been able to move forward with the IMA due to disagreements with the Kraft Organization over funding. This plan does not include any funding money from the Kraft Organization.

Mr. DeVellis wanted to know if this would affect current customers who only have septic or water accounts. Mr. Hill stated that no current customers would be required to connect unless they have a need too. Current water or septic customers will not be affected.

It was noted that infrastructure costs are not included in the analysis as the department anticipates all infrastructure costs will be paid by the commercial users in order to be able to access the flow.

If a 40B with 500 homes comes to town will they be able to connect? This would require town meeting action to allow them into the district first.

The BWSC will be going to the Advisory Committee, the Planning Board and the public with this presentation to get comments in advance of Town Meeting.

Action Items

The minutes of December 18, 2012 were reviewed.

A motion to approve the minutes of December 18, 2012 as amended was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

An application for a 7-Day Entertainment License and an application for Public Entertainment on Sundays have been received from Gerry Fruggiero of Jake n Joe's Sports Grill which will be located in the old Piccadilly Pub. The licenses are mostly for the televisions in the pub but will also include occasional live dj's or three piece bands.

A motion to approve the 7-Day Entertainment License for Jake n Joe's Sports Grill for 2013 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the Public Entertainment on Sunday License for Jake n Joe's Sports Grill for 2013 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

An application has been received from Bass Pro Shop for live entertainment on various Sundays throughout the year.

A motion to approve the Public Entertainment on Sunday License for Bass Pro Outdoor World LLC for 2013 was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Hackie License applications have been received from Abdul Shuman of Norwood and Hussein Shuman also of Norwood. They have been reviewed and signed by the Police Department.

A motion to approve the Hackie Licenses for Abdul Shuman and Hussein Shuman through January 15, 2015 was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

An application has been received from Bill Cunningham of the Orpheum Theatre for a One-Day Beer and Wine License on January 26, 2013 for a psychic medium show.

A motion to approve a One-Day Beer and Wine License for the Orpheum Theatre on January 26, 2013 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

It was noted that annual reports are due from all departments by February 15, 2013. Mr. DeVellis will prepare the Board of Selectmen report and distribute to Board members by February 1st.

Mr. Paicos distributed a report showing the Payment in Lieu of Taxes (PILOT) from the stadium for the past ten years.

The meeting was adjourned at 9:20 p.m.
Respectfully Submitted,
Diana Gray
Lorraine Brue, Clerk